

EXHIBIT A

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Attorneys for Defendants C. R. Bard, Inc. and
Bard Peripheral Vascular, Inc.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE: Bard IVC Filters Products Liability
Litigation,

No. 2:15-MD-02641-DGC

**DECLARATION OF MATTHEW B.
LENRER IN SUPPORT OF
DEFENDANTS' MEMORANDUM
CONCERNING BINDING EFFECT
OF COMPLETED DISCOVERY**

I, MATTHEW B. LENRER, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge and belief:

1. I am over 18 years of age and am competent to testify about the matters contained herein. The statements contained herein are based on my personal knowledge.
2. I am an attorney with the law firm of Nelson, Mullins, Riley, & Scarborough, LLP in Atlanta, Georgia.
3. I am licensed to practice law in the States of Georgia and Florida and have been so

1 licensed since 2001 and 2002, respectively.

2 4. My firm has served as national counsel for Bard's Inferior Vena Cava ("IVC")
 3 Filter product line since 2005. I have also been personally involved in this litigation
 4 since that time.

5 5. In our role as national counsel for Bard's IVC Filter product line, my firm has
 6 handled numerous product liability cases across the country similar to the product
 7 liability cases that are presently before this MDL No. 2641.

8 6. Since 2005, approximately 85 depositions have been taken of Bard's employees,
 9 former employees, and consultants (the "Prior Depositions") as part of the Bard
 10 IVC Filter litigation.

11 7. Attached as Exhibit "B" to Bard's Memorandum Concerning Binding Effect of
 12 Completed Discovery is the full list of the Prior Depositions.

13 8. The topics covered in the Prior Depositions listed in Exhibit B to Bard's
 14 Memorandum Concerning Binding Effect of Completed Discovery span a broad
 15 spectrum of issues, including design, testing, regulatory, risk assessment,
 16 marketing, sales, and post-market surveillance.

17 9. All of the Prior Depositions were given in one or more product liability cases
 18 involving claims against Bard regarding one or more Bard IVC Filter.

19 10. All of the Prior Depositions have been produced in this MDL with the Bates
 20 number prefix "BPV-DEP."

21 11. As demonstrated by Exhibit B to Bard's Memorandum Concerning Binding Effect
 22 of Completed Discovery, many deponents in the Bard IVC Filter Litigation have
 23 been deposed on multiple occasions. The deponents who have been deposed
 24 multiple times include key witnesses involved in the design, testing, risk
 25 assessment, regulatory assessment, marketing, quality assurance, and/or post-
 26 market surveillance of one or more of Bard's IVC Filters, and they include the
 27 following witnesses:

28 a. Shari Allen -- Former Director of Regulatory and Clinical Affairs at Bard

- 1 Peripheral Vascular, Inc.
- 2 b. Rob Carr -- Former Senior Director of Research and Development at Bard
- 3 Peripheral Vascular, Inc.
- 4 c. Andre Chanduszko -- Staff Engineer at Bard Peripheral Vascular, Inc. with
- 5 responsibilities related to design, development, and testing of IVC filters.
- 6 d. David Ciavarella -- Vice President, Corporate Clinical Affairs at C. R. Bard,
- 7 Inc.
- 8 e. Chris Ganser -- Former Vice President of Quality Assurance at C. R. Bard,
- 9 Inc.
- 10 f. Janet Hudnall -- Former Senior Marketing Manager at Bard Peripheral
- 11 Vascular, Inc.
- 12 g. Brian Hudson -- Former Quality Engineer at Bard Peripheral Vascular, Inc.
- 13 with responsibilities related to quality management for IVC filters.
- 14 h. John Lehmann -- Former Consultant to C. R. Bard, Inc.
- 15 i. John McDermott -- Former President of Bard Peripheral Vascular, Inc.
- 16 j. Chad Modra -- Vice President of Quality Assurance at Bard Peripheral
- 17 Vascular, Inc.
- 18 k. Gin Schulz -- Staff Vice President of Quality Assurance Operations at C. R.
- 19 Bard, Inc.
- 20 l. Doug Uelmen -- Former Vice President of Quality Assurance at Bard
- 21 Peripheral Vascular, Inc.
- 22 12. As demonstrated by Exhibit B to Bard's Memorandum Concerning Binding Effect
- 23 of Completed Discovery, of the 85 Prior Depositions, 45 were taken in cases where
- 24 one or more of the attorneys who are members of this MDL's Plaintiffs'
- 25 Leadership Counsel ("PLC") are counsel of record.
- 26 13. Of the remaining 40 Prior Depositions that were not taken by one or more of the
- 27 attorneys who are members of the PLC, 20 of them have had testimony that one or
- 28 more PLC members have sought to designate for use at a Bard IVC Filter trial.

1 14. As demonstrated by Exhibit B to Bard's Memorandum Concerning Binding Effect
2 of Completed Discovery, many of the Prior Depositions were noticed or cross-
3 noticed in multiple Bard IVC Filter cases.

4 I declare under penalty of perjury that the foregoing is true and correct.

5 Executed on this 18th day of December, 2015.

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